

REMARKS

A telephone conference between the Examiner and Dennis Smid (one of the applicant's undersigned attorneys) was held on November 9, 2004. The applicant and Mr. Smid wish to thank the Examiner for his time and consideration for such interview.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103 or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 2-4 and 14-42 are in the application.

Claims 14, 15, 26, 34, and 42 were rejected under 35 U.S.C. 102(e) as being anticipated by Noeske et al. (U.S. Patent No. 6,351,631).¹

Independent claim 15 recites in part the following:

“said first intermediate signal **is distinct from** said multiplex signal.” (Emphasis ours.)

¹ Note—Although claims 16, 18, 20, 21, and 24 were not specifically identified in the actual recitation of the rejection, these claims were mentioned during the Examiner's discussion of the rejection. Accordingly, these claims will be discussed herein. Further, claim 25 was not listed in the actual recitation of the rejection, but was discussed in the Examiner's discussion of the rejection. However, claim 25 was also identified as containing allowable subject matter on page 5 of the present office action. Accordingly, it is unclear whether claim 25 is allowable or not. It is assumed herein that claim 25 is allowable. Clarification on this matter is requested.

In explaining the above 102 rejection with regard to claim 15, the Examiner appears to assert that the first intermediate signal is the same as the signal between node 1 and element 21 of Noeske (as indicated in the figure provided on page 2 of the present office action) and that the multiplex signal is the same as the signal from front end V to node 1 (as indicated in the figure provided on page 2 of the present office action). As discussed during the November 9th telephone conference, it is respectfully submitted that the signal between node 1 and element 21 and the signal between front end V and node 1 of Noeske are the same signal. As such, these signals are not distinct from each other. Accordingly, it is believed that claim 15 is distinguishable from Noeske as applied by the Examiner.

For similar or somewhat similar reasons to those discussed above with regard to claim 15, and as also discussed with the Examiner during the November 9th telephone conference, it is believed that claim 34 is distinguishable from Noeske as applied by the Examiner.

Amended independent claim 14 recites in part the following :

“said first intermediate signal **is distinct from all** intermediate signals obtained during said extraction of said stereo-sum signal from said incoming multiplex signal.” (emphasis ours.)

In explaining the above 102 rejection with regard to claim 14, the Examiner appears to assert that the first intermediate signal is the same as the signal between node 1 and element 21 of Noeske (as indicated in the figure provided on page 2 of the present office action) and that the intermediate signal obtained during extraction of the stereo-sum signal is the same as the signal from node 1 to element 19 (as indicated in the figure provided on page 2 of the present office action). As discussed during the November 9th telephone conference, it is respectfully submitted

that the signal between node 1 and element 21 and the signal between node 1 and element 19 of Noeske are the same signal. As such, these signals are not distinct from each other. Accordingly, it is believed that claim 14 is distinguishable from Noeske as applied by the Examiner.

Independent claim 42 recites in part the following:

“mixing means situated along said first signal path upstream from a branching off point of said third signal path from said first signal path.” (Emphasis ours.)

In explaining the above 102 rejection with regard to claim 42, the Examiner asserted that: (i) the signal path from node 1 to element 21 is the same as the first signal path of claim 42, (ii) the signal path from node 1 to element 19 is the same as the second signal path of claim 42, (iii) the signal path from node 3 to element 31 is the same as the third signal path of claim 42, (iv) element 21 in Fig. 2 of Noeske was the same as the present mixing means of claim 42, and (v) node 3 of Noeske is the same as the branching off point of claim 42. As discussed during the November 9th telephone conference, element 21 of Noeske is not situated “upstream from” the branching off point (node 3). Instead, element 21 is situated downstream from the branching off point. Accordingly, it is believed that claim 42 is distinguishable from Noeske as applied by the Examiner.

Claims 16, 18, 20-21, 24, 26 are dependent from one of independent claims 14 and 15. As such, claims 16, 18, 20-21, 24, 26 are distinguishable from Noeske for at least the reasons previously described.

Claims 28-30 and 36-38 were rejected under 35 U.S.C. 102(b) as being anticipated by Richards, Jr. (U.S. Patent No. 5,507,024).

Independent claim 28 recites in part the following:

“coherently demodulating said multiplex signal employing a second harmonic of a pilot carrier of said multiplex signal so as to obtain a first intermediate signal.” (Emphasis ours.)

In explaining the above 102 rejection with regard to claim 28, the Examiner appears to assert that signal 85 of Fig. 4 of Richards is the same as the second harmonic of a pilot signal of claim 28 and that elements 76 and 78 perform coherent demodulation. As discussed during the November 9th telephone conference, coherent demodulation is known to require employment of a signal having the same phase as the carrier, a condition that is clearly not fulfilled at phase comparator 76 which employs a phase-shifted first-harmonic as an input signal. Further, although the Examiner has referred to signal 85 as being a second harmonic employed in demodulation, this is not the signal employed in the phase comparison in phase comparator 76.

Accordingly, it is believed that claim 28 is distinguishable from Richards as applied by the Examiner.

For similar or somewhat similar reasons to those discussed above with regard to claim 28, and as also discussed with the Examiner during the November 9th telephone conference, it is believed that claim 36 is distinguishable from Richards as applied by the Examiner.

Claims 29-30 and 37-38 are dependent from one of independent claims 28 and 36. As such, claims 29-30 and 37-38 are distinguishable from Richards for at least the reasons previously described.

Claims 2-4 were allowed.

Claims 17, 19, 22, 23,25, 27, 31-33, 35, and 39-41 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since the claims from which these claims depend are believed to be allowable for at least the reasons previously described, claims 17, 19, 22, 23,25, 27, 31-33, 35, and 39-41 have not been rewritten herein.

In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to
Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Dennis M. Smid
Reg. No. 34,930
(212) 588-0800